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Nvidia Corporation

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

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14 The NVIDIA GPU Litigation
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Case No. 5:08-cv-04312-JW

**NVIDIA CORPORATION'S
CONDITIONAL NON-OPPOSITION
TO REQUEST TO FIND *DECKER*
ACTION UNRELATED TO NVIDIA
GPU LITIGATION**

1 NVIDIA Corporation (“NVIDIA”) submits this conditional statement of non-opposition to
2 the Request to Find *Decker* Action Unrelated to NVIDIA GPU Litigation (“the Request”) filed by
3 plaintiff Katherine E. Decker (Docket No. 64).

4 Counsel for plaintiff in *Decker v. Hewlett-Packard Co.*, No. 09-cv-00295-PVT (N.D.
5 Cal.), has represented in filings before this Court and a subsequent discussion with counsel for
6 NVIDIA: (1) that plaintiff is not asserting, and does not intend to assert, claims against NVIDIA;
7 (2) that the claims asserted in the *Decker* action do not implicate any NVIDIA product; and (3) that
8 plaintiff will not seek discovery from NVIDIA.

9 Based on those understandings and conditions, NVIDIA does not oppose the Request, and
10 agrees that the *Decker* action may be excluded from the consolidation of cases in *The NVIDIA*
11 *GPU Litigation*. NVIDIA reserves its right to seek inclusion of the *Decker* action in this
12 consolidated proceeding in the event that the understandings set forth above prove incorrect or
13 circumstances change.

14 Respectfully submitted:

15 Date: March 6, 2009

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18 /s/Robert P. Varian

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